

MORMON WOMEN AND WOMAN SUFFRAGE
IN AN ERA OF POLITICAL CONFLICT IN
TERRITORIAL UTAH, 1870-1896

ACKNOWLEDGMENTS

by

Chapter

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I. INTRODUCTION TO THE THESIS TOPIC

Statement of the Thesis Problem

Method of Procedure and Sources

of Data

Justification of the Study

II. A thesis submitted in partial fulfillment

III. EXERCISE of the requirements for the degree

IV. THE DISENFRANCHISED, of 1890

V. THE LAST CHALLENGE Master of Arts

in

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In 1840, Mrs. Wendell Phillips, wife of a notable abolitionist, and Lucretia Mott, a colleague of Elizabeth Cady Stanton and Susan B. Anthony in the women's anti-slavery movement, were denied admission as American delegates to the World Antislavery Convention in London, England. Mrs. Phillips and Mrs. Mott thereafter determined that the cause of emancipation applied to women as well as slaves.

Upon returning to the United States, they began to convince other prominent women of the necessity of organizing to secure their legal and political rights. Their immediate objectives were to win the right to vote and hold political office.¹ Secondary objectives were to promote the passage

¹ "The Seneca Falls Declaration of Sentiments and Resolutions," *Documents of American History*, compiled by Henry Steele Commager, 7th ed., New York: Appleton-Century-Crofts, 1963, 115.

CHAPTER I

Introduction to the Thesis Topic

Many women championed the cause of women's rights early in the nineteenth century. Frances Wright and Ernestine Rose led the way in awakening American women to the fact that they were politically and legally disenfranchised. However, the formal women's rights movement did not become a reality until the middle of the nineteenth century, and then it was an out-growth of the anti-slavery crusade.

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¹"The Seneca Falls Declaration of Sentiments and Resolutions," Documents of American History, compiled by Henry Steele Commager, 7th ed., New York: Appleton-Century-Crofts, 1963, 315.

of laws granting them the legal guardianship of their children if their husbands died, laws giving them equal rights in the ownership of property and the right to engage in business affairs, and laws allowing them equal and full access to institutions of higher education.²

In 1848, under the leadership of Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton, a convention of women's rights advocates met in Seneca Falls, New York, for the purpose of drafting a list of grievances and resolutions calling for new attitudes and laws to free them from their state of political and legal bondage.³

Women throughout the nation, encouraged by the boldness and determination of the suffragettes at Seneca Falls, sought ways to improve their legal and political status. Many became involved in the "reform causes," working for temperance and against slavery. They also became involved in politics and proved themselves to be able campaigners, especially in the presidential campaign of 1859.

During the Civil War, particularly in the eastern states, women volunteered to fill various support capacities for the military, and thereby demonstrated their ability to accomplish tasks characteristically reserved for men.

After the Civil War, the suffragettes returned to the task of winning political enfranchisement for women. Their efforts were centered primarily in the eastern and midwestern

²Ibid.

³Ibid.

states. However, their first victories came in the territories and states of the trans-Mississippi-west. Wyoming, Utah, Colorado, and Kansas were the first to grant women political rights.

In Utah Territory, the struggle for women's rights was particularly difficult and complicated because of the strong national sentiment against plural marriage, and a basic distrust of Utah politics. Eastern politicians, members of Congress, and many of the women in the rights movement suspected that the only reason the men of Utah Territory favored the female vote was to increase the effect of their vote by instructing their plural wives to vote the same. Others were against Mormon women having the vote because of a personal hostility they held toward anyone of the Mormon faith.

Added to the above mentioned difficulties experienced by the Mormon women, were the hardships of pioneer life in the arid mountain west. In 1849, Utah was still an untamed desert wilderness with few known natural resources, isolated from the rest of the nation by vast distances, governed by a theocratic form of law, and occupied by a people who had been commanded to live a life of social and economic self-sufficiency.

Although they were unlikely examples to suffragettes throughout the nation, the Mormon women of Utah pursued the goals of the women's rights movement successfully and became

nationally known as the "voting women of Utah." This thesis concerns their story and legacy.

Statement of the Thesis Problem

In the latter half of the nineteenth century, Mormon women were thought to be mere pawns, chattels under the complete domination of their husbands.

The author hopes to demonstrate through an examination of the women's rights movement in Utah Territory, 1870-1896, that (1) the Mormon women in polygamy were not enslaved, (2) the Mormon women were free and unrestrained in voicing their opinions on the critical issues of the time, (3) the Mormon women were free to organize in support of legislation and were free to oppose the acts of Congress which would compromise their rights as citizens, (4) the Mormon women were free to affiliate with national and international organizations in support of women's rights, and (5) the Mormon women supported the women's rights movement as a universal human issue rather than a topical issue related to the questions of polygamy and statehood for Utah Territory.

Method of Procedure and Sources of Data

This study is written in the narrative style, according to the historical method, and chronologically describes and interprets the significance of the women's rights movement in Territorial Utah.

Except for background and interpretive material, this study is written from original sources, nineteenth century

publications of the Mormon Church, and from many out-of-print works available only in selected archives and special collections within the State of Utah.

Specifically, the author has relied heavily upon the special collections and historical archives located at Utah State University, College of Eastern Utah, and the Office of the Historian of the Church of Jesus Christ of Latter-day Saints.

Justification of the Study

There are many reasons which could be cited in justification of this study. Although the excitement and romance of delving into the past is reason enough for the history buff and the curious, there must be other and more concrete motives for scholars and serious students of history.

This study and others like it are much-needed in order to complete the picture of the contributions of women to our nation. Histories on this topic can illuminate and clarify the historical motives and impulses behind the present women's rights movement, and might help to further the understanding that the present movement is part of a larger theme which transcends nearly our entire history as a nation.

Finally, this study will contribute to the effort to complete regional and local histories in the State of Utah and in other areas pioneered by the Mormon people.

William F. Block, The Mormon Church: A Brief History of Jesus Christ of Latter-day Saints, 10th ed., Salt Lake City: Deseret Book Company, 1961, 264.

CHAPTER II

The Utah Frontier, 1847-1870

Desperate for freedom from religious persecution and for the prosperity which derives from honest labor and industry, the Mormon people came to the barren valleys of the Great Basin in 1847, still suffering from the effects of being successively driven from their homes in New York, Ohio, Missouri, and Illinois.

The valleys in which they settled were considered agriculturally worthless. But to the visionary leaders of the harried Mormon people, the high mountain valleys offered one special advantage, privacy.⁴

The main thrust of the westward migration was toward the high and verdant valleys of California, Oregon, and Washington, and because the valleys of the Great Basin were usually by-passed as prospective areas of settlement, Brigham Young and the Mormon leaders believed they had found a place at last where the Mormons could live in peace.⁵

⁴Levi Edgar Young, The Founding of Utah, New York: Charles Scribner's Sons, 1924, 97.

⁵William E. Berret, The Restored Church: A Brief History of the Growth and Doctrines of the Church of Jesus Christ of Latter-day Saints, 10th ed., Salt Lake City: Deseret Book Company, 1961, 264.

Between 1847 and 1857, the Mormons demonstrated once again the viability and industry of their society by establishing nearly one hundred colonies throughout the Great Basin. These communities, based upon an agrarian and cooperative economy, were governed by the Church leadership in each community.⁶

The land which they occupied legally belonged to Mexico, but the Mexican Government never attempted any administration of the area and no agents of the Mexican Government lived there. So, when the Mormons arrived in 1847, they found themselves beyond the jurisdiction of the nation of their citizenship, and beyond the administrative reach of Mexican authority. Consequently, they lived under a government of their own making, a government whose laws were derived largely from the principles of their religion.⁷

On February 2, 1848, Mexico and the United States signed the Treaty of Guadalupe Hidalgo, and the area of Mormon occupation formally became part of the United States of America. One year later, leaders of the Mormon Church requested that each colony send delegates to Salt Lake City for the purpose of establishing a civil government. Accordingly, the delegates met in convention and organized the "State of Deseret" as a provisional authority, until Congress ratified their action or otherwise provided for

⁶Thomas F. O'Dea, The Mormons, Chicago: The University of Chicago Press, 1957, 84-85.

⁷Berret, 265-266.

a civil government in the Great Basin. Their hope was that Congress would admit the "State of Deseret" into the union of the states.⁸

Congress refused to act favorably on the Mormon petition for statehood, and instead it passed the Organic Act of 1850, creating the Territory of Utah. This Act was not well received by the Mormons, for the boundaries established for the Territory of Utah did not include a large portion of the area of Mormon occupation, and the name "Utah" hardly reflected the unique institutions and goals of the Mormon people. "Utah," rather, was indicative of the more primitive inhabitants of the Great Basin, the Ute Indians.

Congress did make some concessions to the fact that the Mormons were the predominant population in the Territory. Brigham Young was appointed Governor of Utah Territory, and Mormons were appointed to about half of the other positions in the territorial government.⁹

When the non-Mormon federal appointees arrived in Utah, the Mormons discovered that they harbored many of the prejudices and hostilities which the Mormons had hoped to escape by moving to Utah. The appointees, however, felt that their views were affirmed by the hesitancy with which the Mormon people submitted to federal rule and by the

⁸Gustive O. Larsen, Outline History of Utah and the Mormons, Salt Lake City: Deseret Book Company, 1958, 78.

⁹Berret, 292-294.

Church's public announcement of the doctrine of plural marriage. The stage was set for a battle which would span the next four decades.¹⁰

Between 1852 and 1862, several events occurred which served to heighten the intensity of the conflict in Utah. The Church's declaration in 1852 of its intent to make polygamy a matter of doctrine aroused a great deal of public comment, most of it negative. By 1854, polygamy had become an issue for the various reform movements in the United States, and the Republican Party that year adopted a party platform which included a plank calling for the "abolition of the twin relics of barbarism, slavery and polygamy."¹¹

By 1856, the Mormons had concluded that much of the hard feeling toward them was due to the non-Mormon federal officials in Utah Territory. They believed these federal officers were unfairly and prejudicially reporting the state of governmental affairs in Utah, which in turn accounted for the growing Congressional alarm and the negative reports in eastern newspapers. The solution to this problem, in the Mormon view, was to seek again the admission of Utah as a state, but Congress was in no mood to entertain such a request.¹²

¹⁰Larsen, 83.

¹¹Hubert Howe Bancroft, History of Utah, Salt Lake City: Bookcraft Inc., copyright 1964, 430-431.

¹²Bancroft, 483-485.

In that same year, the Mormons engaged in a "reformation" under the direction of Brigham Young and Jedediah M. Grant. Missionaries traveled to every colony and questioned each person about his spiritual and moral transgressions. Afterward, each person was re-baptized for the remission of his sins and for the renewal of his religious covenants. This revival was a movement of high-pitched emotion and soul-searching, and the results, in most cases, were a renewed sense of group loyalty, a deeper sense of unity, a renewed enthusiasm for keeping the commandments of the Mormon faith, and, especially, a re-dedication to the keeping of the injunctions of the Church leadership.¹³

Early in 1857, when the effects of the "reformation" were still in full bloom, word reached Salt Lake City about the murder of Parley P. Pratt, one of the most brilliant and beloved leaders of the Mormon people. Pratt had been accused of stealing the wife of Hector McLean of Arkansas. A trial was held and Pratt was acquitted, but McLean was dissatisfied with the verdict and later ambushed Pratt near the town of Van Buren, Arkansas.

Pratt's murder had a sobering effect on the Mormon people. It seemed to confirm in their minds that justice under the law would be consistently denied them, that their resistance of the federal government was justified,

¹³ Nels Anderson, Deseret Saints: The Mormon Frontier in Utah, Chicago: The University of Chicago Press, 1966, 151-152.

and that the people of the Missouri Valley, where they had once lived, still held a deep-seated hostility towards them.¹⁴

Meanwhile, President Buchanan, having been misled by reports of federal officials in Utah and by some who had returned to the nation's capital, became convinced that there existed a state of rebellion in Utah Territory. Buchanan ordered Secretary of War, John B. Floyd, to dispatch a contingent of troops from Fort Leavenworth, Kansas, to Utah to put down the alleged insurrection. Including troops, teamsters, suppliers, and other necessary personnel, the expedition numbered about five thousand men.

Concurrently, Congress decided to replace Brigham Young as Territorial Governor. They selected Alfred Cumming to replace Young, and ordered Cumming to accompany the troops to Utah.¹⁵

Brigham Young received the news of the impending arrival of the army on July 24, 1857, while celebrating the tenth anniversary of the Mormons' arrival in the Great Basin. Interpreting this move as an act of open aggression against the Mormon people, and recalling the Mormon experience in Illinois and Missouri, he vowed that the Mormons would never again be driven from their homes.

¹⁴ Orson F. Whitney, History of Utah, Salt Lake City: George Q. Cannon & Sons Co., Publishers, 1892, I, 695.

¹⁵ Leonard J. Arrington, Great Basin Kingdom, An Economic History of the Latter-day Saints, 1830-1900, Lincoln: University of Nebraska Press, 1958, 170-172.

Young declared that if the army entered their valleys it would find nothing of value, for it was his intention that the Mormons prepare a scorched earth policy, and he urged each family to prepare their homes and fields so that they could be burned on short notice. He further stated that the time had come to fight for freedom from "mobocracy and oppression," and that, if necessary, the Mormons would separate from the Union.¹⁶

While the Mormons made preparations to defend their homes, and while the army moved steadily toward Utah, another event occurred which shocked and horrified the nation and the Mormon people as well. Less than two months after the announcement of the impending arrival of the army, and less than six months after the murder of Parley P. Pratt in Arkansas, an emigrant wagon train entered Utah enroute to southern California. The train was led by Charles Fancher and was comprised of families from Arkansas and Missouri. Unfortunately, the Fancher train entered Utah when the Mormons were exceedingly anxious about their future and the security of the Great Basin. The Mormons had been instructed by Brigham Young to conserve their resources; consequently, the Fancher Party encountered great difficulty in obtaining supplies.¹⁷

As the party moved southward, they were looked upon with suspicion and some of their number were apparently

¹⁶O'Dea, 101-102.

¹⁷Larsen, 152-153.

guilty of using intemperate language in reference to Joseph Smith, the martyred founder of the Mormon Church. The Fancher Party was also accused of poisoning some water holes and impregnating the flesh of a dead ox with strychnine, causing the death of some Indians.¹⁸

At Mountain Meadows, west of Cedar City, Utah, on the Spanish Trail, the Fancher Party camped for the purpose of preparing for the last leg of their journey. On September 7, the were attacked by Indians and whites. The seige lasted four days, at the end of which the remaining members of the Fancher Party surrendered to a group of local militia under the pretext of being conveyed to safety in Cedar City. However, as they left their barricades and began walking out of the valley, whites and Indians alike fell upon them and killed the entire party except for a few young children who were thought to be too young to remember the faces of the assassins.¹⁹

Meanwhile, the army continued its approach, arriving at Fort Bridger, Wyoming, in November of 1857. Because of the weather and the lateness of the season, the commander, Colonel Albert Sidney Johnston, decided not to attempt an entry into Utah Territory until spring. He ordered the construction of an encampment near Fort Bridger, named Camp Scott. Here, the troops suffered many hardships, not being fully prepared for the severity of the winter. Some

¹⁸Bancroft, 547.

¹⁹Anderson, 186-187.

of their supplies never did reach them, having been intercepted and destroyed by Mormon vigilantes led by Lot Smith.²⁰

Fortunately for both parties, a truce was negotiated in the early spring of 1858, and armed conflict was avoided. Colonel Johnston and his army were allowed to enter Salt Lake Valley without any resistance, and the army agreed not to occupy the city but to camp some thirty-six miles south and west of Salt Lake City. In this manner the "Utah War" ended with the federal government seemingly in control of Utah Territory.²¹

The conflict between the Mormons and the government did not end with the conclusion of the "Utah War." The Mormons considered themselves under military occupation and therefore restricted in the exercise of their rights and liberties. Conversely, the Congress and most Americans believed there remained one more problem to be solved in Utah, the eradication of the institution of plural marriage, better known as polygamy. Public opinion was decidedly against this practice and the national sentiment finally found legislative expression in the Morrill Act of 1862.

The Morrill Act, otherwise known as the Antibigamy Act of 1862, was designed to punish the practice of plural marriage and thereby discourage the practice among the Mormons. Although the purpose and intent of this act was of critical importance to the Mormons, and rendered illegal

²⁰Anderson, 177.

²¹O'Dea, 104.

one of the more important institutions of their religion, the most important aspect of the Morrill Act was that it signified the willingness of Congress to settle the "Utah Question" with legislation instead of guns.²²

²²Larsen, 196.

Under the "State of Deseret" Mormon women participated in making political decisions and exercised voting power equal to men. But when Congress passed the Organic Act of 1850, creating the Territory of Utah, no provision was made for granting the Mormon women political rights equal to those they enjoyed under the "State of Deseret." Not until 1869 did it seem likely that the Mormon women of Utah, along with women in other western territories, would be granted the political franchise. In that year, the House Committee on Territories considered the feasibility of granting the franchise to all the women in the west. However, the Committee hesitated to grant political privileges to Mormon women because of their participation in plural marriage.

Witnesses testifying before the Committee suggested that if Utah women were granted political power in the form of the vote, they would emancipate themselves from the bondage of plural marriage. This argument was favorably received by Congressman Julian of Indiana and Senator Pomery of Kansas, who, in their respective houses, introduced bills of legislation calling for the extension of the elective franchise to all women in western territories, including Utah.

CHAPTER III

Exercising the Franchise, 1870-1882

Under the government of the "State of Deseret" Mormon women participated in making political decisions and exercised voting power equal to men. But when Congress passed the Organic Act of 1850, creating the Territory of Utah, no provision was made for granting the Mormon women political rights equal to those they enjoyed under the "State of Deseret." Not until 1869 did it seem likely that the Mormon women of Utah, along with women in other western territories, would be granted the political franchise. In that year, the House Committee on Territories considered the feasibility of granting the franchise to all the women in the west. However, the Committee hesitated to grant political privileges to Mormon women because of their participation in plural marriage.

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Clearly, neither legislator was in favor of woman suffrage in Utah as a grant of political privilege and responsibility; rather, they both viewed the granting of the right to vote to Utah women as a cure, an antidote to the social heresy, plural marriage.²³

Midway through their deliberations, the Congress was informed that the official voice of the Mormon Church, The Deseret Weekly, had printed three consecutive editorials in favor of the proposed legislation. Congress concluded that the Mormon men of Utah Territory were as pleased at the prospect of woman suffrage as were their multiple companions. Convinced that the suffrage legislation would not discourage polygamous unions in Utah, the Chairmen of the Senate and House Committees, pigeon-holed the bills and they were never reported out of committee.

The legislative assemblies of Wyoming and Utah were less concerned than the national Congress about the possible ill effects of granting women political rights, and suffrage legislation was introduced in the legislatures of both territories. In Wyoming, the suffrage bill passed both houses easily but was vetoed by Governor Campbell.

The legislature over-rode Campbell's veto, making woman suffrage a fact of law on December 10, 1869. In Utah, February 12, 1870, Acting Governor Mann signed into law a

²³Kate B. Carter, "Woman Suffrage in the West," Historical Pamphlet October 1943, Salt Lake City: Published by the Daughters of the Utah Pioneers, 1943, 285-286.

suffrage bill granting Utah women the political franchise, and restored to the Mormon women of Utah the rights they had previously enjoyed under the "State of Deseret."²⁴

An Act, giving the woman the elective franchise in the Territory of Utah.

Sec. 1. Be it enacted by the Governor and the Legislative Assembly of the Territory of Utah, that every woman of the age of twenty-one years, who has resided in this territory six months next preceding any general or special election, born or naturalized in the United States, or who is the wife, or widow, or the daughter of a naturalized citizen of the United States, shall be entitled to vote at any election in this territory.

Sec. 2. All laws or parts of laws, conflicting with this act, are hereby repealed.²⁵

That same year a municipal election was held in Salt Lake City, providing an opportunity for women to exercise their vote. Seraph Young, grand-niece of Brigham Young, was the first to cast a ballot under the new law. Although Wyoming women were granted the vote first, Utah women went to the polls twice before their neighboring suffragettes had a similar opportunity.²⁶

The woman suffrage movement made steady progress throughout the nation in the 1870's, and although Utah women had the vote, they continued to support the movement for two reasons. First, their commitment to the movement was basically independent from the political crisis in Utah,

²⁴Carter, "Woman Suffrage in the West," 286-287.

²⁵Edward W. Tullidge, The Women of Mormondom, New York: Tullidge and Crandall, 1877, 498.

²⁶Carter, "Woman Suffrage in the West," 285-286.

and they hoped to advance the cause of women's rights in other states and territories by their example. Second, their own right to vote and to exercise their civil liberties was periodically and severely challenged by the introduction of prohibitive legislation in the national congress. In fact, in January 1870, while the Mormon women were awaiting the passage of the suffrage bill in the territorial legislature, Congress was considering the Cullom Bill, one of a long list of bills introduced in the 1860's and early 1870's, designed to limit the civil liberties of Mormons in Utah Territory until they agreed to forsake plural marriage and any other aspects of their society that Congress might consider un-American.

Beginning in 1862, Congress had tried to satisfy public opinion with the passage of the Morrill Act. The Act provided for the disincorporation of the Mormon Church, prohibited polygamy, and prohibited the Mormon Church from owning more than \$50,000 worth of property other than that used exclusively for religious purposes. The Mormons considered the Act unconstitutional and made only a superficial effort to comply with the provisions of the law.

By 1866, Congress, ever sensitive to public opinion, considered itself unsuccessful in handling the "Utah Question." Senator Benjamin F. Wade of Ohio introduced a bill designed to strengthen the provisions of the Morrill Act and to cover other areas of concern not addressed by the Act. The Wade Bill reiterated most of the outstanding

provisions of the Morrill Act and went further by restricting the activities of the Mormon Militia, known as the Nauvoo Legion, prevented Church leaders from solemnizing marriages, and authorized the U.S. Marshall to select the juries for all cases arising under the Morrill Act.

Congress failed to pass the Wade Bill, but most of its features reappeared in legislation proposed by Senator Aaron H. Cragin of New Hampshire. The Cragin Bill was so radical in its provisions that Congress never gave it serious consideration. In 1869, Senator Cragin reintroduced his Bill, having rewritten it and added some new provisions, some of them more controversial than the provisions in the first Cragin Bill. The most objectionable feature of the second Cragin Bill was the abolition of the right to trial by jury in cases arising under the Morrill Act of 1862. This feature was too openly unconstitutional and the second Cragin Bill was withdrawn in favor of the Cullom Bill which addressed the same Congressional concern about Utah.²⁷

Under the Cullom Bill, introduced by Representative Shelby M. Cullom of Illinois, the U.S. Marshall could select jurors, polygamy cases would become the exclusive business of federal courts, plural wives would be deprived of immunity as witnesses in cases against their husbands, the President was authorized to send troops to Utah, and the property of Mormons who attempted to leave the territory because of the law could be confiscated and held under

²⁷Arrington, 356-357.

non-Mormon jurisdiction. The Cullom Bill was only slightly more satisfactory than the Cragin Bills, and although it passed in the House, it failed in the Senate.

Concurrently, Congress was considering another bill which offered a clever and unique solution to the "Utah Question." The bill, proposed by Congressman James M. Ashley of Ohio, provided a geographical solution to the problem. His bill called for the "dismemberment" of Utah Territory and the political majority of the Mormons. Specifically, it sought to transfer large portions of Utah to Nevada, Wyoming, and Colorado, thereby splitting the Mormon majority into small minorities, each under the jurisdiction of a different territory. While some were attracted to the Ashley solution, the majority in Congress felt that the Ashley plan would only expand the conflict beyond the borders of Utah. The Ashley Bill failed to pass.²⁸

Mormon women had protested the Cullom and Ashley Bills by calling for a mass meeting of the members of the Female Relief Society. This organization of Mormon women began in Illinois in 1846, and was revived in Utah in 1855. Its main purpose was to promote home industry, to promote prudence and efficiency in household affairs, and to provide relief for the poor. However, the organization's leadership was committed to the cause of women's rights.

²⁸Ibid.

Just seven days after the territorial legislature granted Utah women their political rights, Mormon women met in "indignation mass meetings" throughout the territory. Their purpose was to affirm their support of the rights movement and to protest the legislative offensive in Congress which seemed directed toward the abrogation of their civil liberties. The following excerpt taken from the minutes of the Salt Lake City meeting indicates their views:

MINUTES: Most of the wards of the city were represented. Miss E.R. Snow was elected president, and Mrs. L.D. Alder, secretary.

Meeting opened with singing; prayer by Mrs. Harriet Cook Young.

Miss Eliza R. Snow arose and said . . . that an expression of gratitude was due acting-Governor Mann, for signing the document granting woman suffrage in Utah, for we could not have had the right without his sanction, and said that Wyoming had passed a bill of this kind over its Governor's head, but we could not have done this . . . Mrs. Sarah M. Kimball said she had waited patiently a long time and now that we were granted the right of suffrage, she would openly declare herself a women's rights woman, and called upon those who would do so to back her up, whereupon, many manifested their approval. . . . She spoke of the foolish custom which deprived the mother of having control over her sons at a certain age; said she saw the foreshadowing of a brighter day in this respect in the future . . . Mrs. Phoebe Woodruff said she was pleased with the reform, . . . the yoke on women is partly removed . . . Mrs. Wilmarth East said that I have never felt that woman had her privileges. I have always wanted a voice in the politics of the nation, as well as to rear a family. . . .²⁹

While the legislative offensive seemed to wane between 1870 and 1872, other challenges to the Mormon way of life continued. Many people were disappointed that the Mormon

²⁹ Tullidge, 504-505.

women had not used their political rights to free themselves from the institution of plural marriage, and many were the speeches calling for a national effort to destroy plural marriage, often called the "Mormon Monster."

Meanwhile, the Mormon women concluded that they should find some more effective means to defend their life style and their political rights. Encouraged by John T. Caine and Edward Sloan, managers of the pro-Mormon Herald, Mormon women began their own newspaper on June 1, 1872, called the Woman's Exponent. The Exponent had female typesetters as well as editors who had learned their trade while working in the offices of the Herald and the Deseret News.³⁰

The goals of the paper were to "disseminate truth, combat errors, and communicate intelligence about the status of Mormon women." A single woman of 24, L.L. Greene, was chosen as the first editor of the Exponent. In 1874 she was joined by Mrs. Emmeline B. Wells, who shared the editorial duties. Miss Greene married that same year and late in 1874 suffered a miscarriage; consequently, Mrs. Wells assumed a greater portion of the work in publishing the Exponent. Lula L. Greene, now Mrs. Lula Greene Richards, suffered continued health problems and was slow to recover;

³⁰ Robert F. Karolevitz, Newspapering in the Old West: A Pictorial History of Journalism and Printing on the Frontier. Seattle: Superior Publishing Co., 1965, 173-177.

so in 1877, Mrs. Wells became the editor and publisher of the Woman's Exponent.³¹

Mrs. Wells was remarkably suited for the editorship of the Exponent, and she was especially dedicated to the cause of women's rights. Through the Exponent, she campaigned against the superstitions and false assumptions about Mormon women and plural marriage. She remembered hearing her mother talk about the inadequacies of the law regarding women, property ownership, and the guardianship of children. Her mother, widowed when Emmeline was just a young girl, had faced these difficulties herself and had talked about them often, with the result that Emmeline became a staunch advocate of women's rights at an early age.³²

As editor of the Woman's Exponent from 1877 to 1914, Mrs. Wells' views became nationally known. In 1879 she and Zina D.H. Young were chosen to represent the women of Utah at a national convention of the National Woman Suffrage Association in Washington D.C. Between 1879 and 1902, Mrs. Wells attended six such conferences, and in 1899 she attended the London conference of the International Council of Women. While there she was chosen as the Council's commissioner to

³¹"Valedictory," Woman's Exponent, Salt Lake City: Published by L.L. Greene Richards, Deseret News Press: August 1, 1877. VI, 36.

³²Augusta J. Crocheron, Representative Women of Deseret, Salt Lake City: L.C. Graham & Co., 1884, 63.

the Phillippines, was invited to speak in the Deanery of Westminster Abbey and was received by Queen Victoria.³³

While the Mormon women were busy establishing the Exponent as their official voice, the Mormons were presented with new legislative challenges from Congress. Since the defeat of the Cullom Bill in 1870, little significant legislation had been proposed as a solution to the "Utah Question." The Freylinghuysen Bill seemed to echo the growing disappointment with the Mormon women who had failed to extricate themselves from polygamous marriages. Like most of the previous bills, the Freylinghuysen Bill included provisions designed to make the Morrill Act more enforceable. It also included a provision which would have permanently disenfranchised the Mormon women because of their involvement in plural marriage. In a letter to the Woman's Exponent, an anonymous writer summed up the prevailing view by saying:

. . . The enfranchisement of women who participate in plural marriages would cast crazy fanatics into the role of civilized and responsible members of the community . . . Utah's people must be emancipated from religious fanaticism before they can be trusted with these sacred privileges, . . .³⁴

Between 1862 and 1874, most of the anti-Mormon legislation introduced had been for the purpose of bolstering the provisions of the Morrill Act, or had provided for more

³³ Andrew Jenson, LDS Biographical Encyclopedia, Salt Lake City: Published by the Andrew Jenson Historical Co., Printed by Arrow Press, 1920, II, 731.

³⁴ "Woman Suffrage In Utah," Woman's Exponent, Salt Lake City: Published by L.L. Greene Richards, Deseret News Press, March 1, 1874, II, 148.

efficient enforcement of the provisions of the Morrill Act. The Wade Bill, the two Cragin Bills, the Ashley Bill, and the Cullom Bill had provided for the nullification of one or more sections of the Organic Act of 1850, or had included such glaring unconstitutionality that Congress had little choice but to reject them. Such was the case with the Freylinghuyson Bill. A provision to permanently disenfranchise Mormon women and prevent any future enfranchisement of them brought about its swift defeat.

The failure of the previously mentioned bills points out the problem the opponents of Mormonism faced--how to deal with Mormonism and polygamy and the peculiarities of Utah's people without doing legal violence to the Constitution and the prerogatives granted and guaranteed to all citizens?

The Mormons' position on these bills corresponded with the judgments of some of the best legal minds in Congress. They claimed that it was impossible to radically modify the provisions of the Organic Act of 1850 without affecting the provisions of the U.S. Constitution which granted Congress the power to create and manage territories.

In January 1874, Representative Luke P. Poland of Vermont introduced a bill which many felt could bring about the full implementation of the Morrill Act. Poland's Bill contained many of the provisions found in the previous bills. It provided for the transfer of the powers of the Territorial Marshall to the U.S. Marshall, the transfer of the powers of the Territorial Attorney General to the U.S. Attorney,

assigned jurisdiction over all cases of chancery to the U.S. District Court, and denied the local probate courts jurisdiction in all civil and criminal cases. And last, it declared null and void all acts of the territorial legislature inconsistent with the provisions of the Poland Bill. President Grant signed the bill into law on June 23, 1874.³⁵

The American public remained unsatisfied. The Mormons stood fast on their claim that the Morrill Act, even though buttressed by the Poland Act, was unconstitutional. The Mormons once again sought statehood for Utah, which if granted, would place Utah affairs somewhat beyond the reach of Congress and public opinion, and would give the Mormons of Utah considerable control over local government.

In December of 1877, the Christiancy Bill was introduced. It provided for the repeal of the act which granted Utah women the right to vote, prohibited polygamists from voting and holding public office, and excluded polygamists from accepting jury duty. Former territorial officials, Judge James B. McKean and Robert Baskin, lobbied vigorously for the passage of the bill. Although they succeeded in getting Congressmen and Senators to admit that the Morrill Act and the Poland Act had failed to bring about change in Utah, Congress hesitated to pass the Christiancy Bill.

Early in 1878, the Christiancy Bill was replaced by the Luttrell Bill. Introduced January 10, by Representative

³⁵Wayne Stout, History of Utah, Volume I 1870-1896, Salt Lake City: Published by Wayne Stout, 1967, I, 44-51.

John K. Luttrell of California, the bill included all the major provisions of the Christianity Bill. Hearings began on January 24. Many Congressmen were specially interested in the section of the Luttrell Bill which provided for new election procedures in Utah. However, on February 9, 1878, the Territorial Representative from Utah, George Q. Cannon, was invited to appear before the hearing committee. He stated that those Congressmen who supported the Luttrell Bill because of its provisions for a new election law in Utah, should be advised that the Territorial Legislature of Utah was about to pass a new election law which would include the various reforms found in the Luttrell Bill. Cannon then produced copies of the territorial legislation for members of the Committee. This move convinced Chairman Jacob Turney that the Committee should wait on any Congressional action to see if Utah passed its own bill of election reform. The Utah bill passed the territorial legislature February 23, 1878, and the Luttrell Bill died.³⁶

During the debates on the Christianity and Luttrell Bills, the Mormon women grew more defensive of their political rights and about their position in the controversy. On November 8, 1878, about 200 non-Mormon women of Utah met to organize and join the fight against the peculiar institutions of their Territory. Many of these women were supporters of the women's rights movement, but they declared their

³⁶Stout, I, 92-102.

willingness to give up their political rights under the laws of Utah if only Congress would enact legislation that would ban polygamy effectively. At the end of their meeting they resolved to send a memorial to President Hayes imploring him to act swiftly and decisively on the "Utah Question."

The Mormon women responded by calling for a mass meeting on November 16, 1878. In this meeting they passed five resolutions stating their position. These resolutions follow as printed in The Deseret Weekly on November 20, 1878.

We women of the Church have been misjudged and misrepresented to the nations by these in our midst, of our own sex, in regard to our most sacred rights which pertain to the holy relations of wifehood and motherhood; we do hereby, earnestly, solemnly, and emphatically, declare our true sentiments and invite thorough and impartial investigation of our cause; Wherefore:

First, Resolved: That we, women of the Church and Loyal American Citizens, claim the right guaranteed by the Constitution that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, a right which we seek to exercise, not to the injury of others, but within the pale of peace and justice, of life, liberty and the pursuit of happiness, according to the dictates of our own conscience.

Second, Resolved: That we protest against any enactment of any laws which deprive American Citizens, whether male or female, of any constitutional right, and that we make a united effort to secure the unanimous voice of the women of our faith to plead the passage of the sixteenth amendment during the coming session of Congress.

Third, Resolved: That we solemnly avow our belief in the doctrine of the Patriarchal order of marriage, . . . as one of the most important principles of our holy religion, and claim the right of its practice.

Fourth, Resolved: That we do truly appreciate the efforts and labors of the noble ladies of the National Women's Suffrage Association, who, though opposed in their feelings to plural marriage, and without sympathy for our

religious views, bravely defended the cause of women's rights in Utah, in the halls of Congress, and take this public opportunity of tendering them an expression of our heartfelt thanks.

Fifth, Resolved: That the women of Utah memorialize Congress, setting forth their grievances, and that they . . . defend themselves against the ruthless and violent assaults now being made upon their sacred and constitutional rights.

In this fashion the Mormon women stated their resolve to hold not only to the Constitution, but also to their religious teachings, believing no inconsistency existed in abiding by both standards.

The five resolutions became national news and were reprinted in most of the national newspapers, thus informing many Americans for the first time that the Mormon women would stand up for polygamy and constitutional rights.

In 1879, Congress again began considering the possibility of repealing the Organic Act of 1850 which had created the Territory of Utah. This consideration occupied them for nearly two years. Meanwhile, several court cases were pending on the issue of plural marriage. The most famous was Reynolds v. United States, (98 U.S. 145). George Reynolds, a prominent figure in the Mormon Church, allowed himself to become the object of a test case in which he was accused of violating the federal statutes prohibiting polygamy. In the trial, federal prosecutors argued that the Fourth Article of the Constitution granted Congress the power to make all "needful rules and regulations over the Territories," and therefore Congress had acted lawfully in the passage of the Morrill Act and Poland Act. Further,

they argued that the provisions banning polygamy were lawful by virtue of the fact that marriage is a civil ceremony and therefore subject to the civil laws.

Reynolds' lawyers argued that marriage was an "establishment of religion," not of the civil government, and that if Congress were allowed to pass laws infringing upon or forbidding one religious rite, then Congress could pass statute after statute affecting the practice of all religions. They further argued that the First Amendment of the Constitution prohibits the State from interfering with one's church obligations or scriptural interpretations of what constitutes true doctrine or moral responsibility.

The Federal prosecutors replied that, if the court restrained Congress from attaching a penalty to the "crime" of polygamy, based upon the claim that it was a practice of religious faith, then the court's ruling would prevent Congress from attaching a penalty to any act that might be committed in the name of religious practice.

The Federal District Court found in favor of the prosecution and Reynolds was sentenced to prison. Reynolds and his lawyers appealed the decision to the United States Supreme Court which heard the case beginning November 14, and took the case under advisement on the 16th of November, 1878. On January 6, 1879, the Supreme Court handed down a unanimous decision upholding the lower court. Congress had acted legally in the passage of the Morrill Act and the

Poland Act, and polygamous marriage as prohibited by those Acts was illegal.³⁷

The Reynolds decision was a blow to the Mormon women. It meant that plural marriages contracted since 1862 were invalid and that children born of those marriages were illegitimate under the civil law. It also meant that religious freedom as described in the First Amendment could no longer be considered an absolute right.

That same year Mormon women attended the seventeenth annual convention of the National Woman Suffrage Association in Washington D.C. Emmeline Wells and Zina Young Williams-Card were cordially received by Elizabeth Cady Stanton and Susan B. Anthony, and were invited to address the convention. Afterward, the Mormon Delegates led a special delegation to meet with President Rutherford Hayes, who listened to their petition but promised no support for the cause of women's rights. President Hayes eventually left them in the hands of the First Lady who gave the "voting women of Utah" a personal tour of the White House.³⁸

The prominence of Utah women in the suffrage movement did not go unnoticed by the press. Although these women exemplified the goals of the movement in achieving political rights, they also exemplified what concerned easterners called the religious fanaticism of Utah Territory. The

³⁷Orson F. Whitney, History of Utah, Salt Lake City: George Q. Cannon & Sons Co., Publishers, 1898, III, 48-49.

³⁸Carter, "Woman Suffrage in the West," 287-289.

public demanded again some final solution to the "Utah Question."

Back in Utah, the Liberal Party, comprised of non-Mormons, attempted to disenfranchise the Mormon women by requesting a writ of mandamus from the Federal District Court, directing that voting registrars strike the names of Mormon women from the voting lists. They also began planning for the November elections in which they intended to offer a slate of candidates. Their specific target would be the seat of the Territorial Representative to Congress held by George Q. Cannon.³⁹

On September 22, 1880, the convention of the Liberal Party met and selected Allen B. Campbell as their candidate for the Congressional seat. Campbell was a prominent non-Mormon businessman heavily involved in the mining industry. Governor Murray was the keynote speaker, and echoing the Liberal Party Platform, he stated his desire to "rescue the children of the Territory from the sloughs of ignorance and superstition."

The campaign was not vigorous for it was commonly believed that Cannon would win by a large margin, and the results confirmed that belief. On December 14, Secretary of the Territory, Arthur Thomas, in the presence of Governor Murray, opened the official return which showed that the incumbent, George Q. Cannon, had defeated Allen Campbell 18,568 to 1,357 votes.

³⁹Whitney, III, 225.

Although Section 1862 of the Revised Statutes of the United States directs that ". . . The person having the greatest number of votes shall be declared by the Governor duly elected, and a certificate shall be given accordingly," Territorial Governor Murray did not intend to certify the election of George Q. Cannon.⁴⁰

Campbell, who had anticipated the results of the election, filed a protest of the results on December 12 with Secretary Thomas. He claimed that Cannon was not a naturalized citizen, that Cannon was a practicing polygamist and therefore ineligible to hold the seat of Territorial Representative. Campbell said that "the females of the Territory who claimed the right to vote, outnumbered the votes polled at the election," that all votes cast by females were cast for Cannon, and that the Territorial law granting females the right to vote was void. He further stated that "the votes of the females had vitiated the election."

Campbell's complaint advised that "the Governor and the Secretary had power to go behind the election returns and ascertain from extrinsic evidence the number of votes legally cast for each candidate." Campbell was confident that such an examination would indicate that he, not Cannon, was the only certifiable candidate.

Cannon defended himself against the charges of the complaint by producing documentary evidence of his citizenship and that he was not in violation of the Morrill Act of

⁴⁰Whitney, III, 140-142.

1862. He pointed out that Congress had seated him on three previous occasions and that Congress, under the federal law, was the final judge about who would be seated in that august body. Nevertheless, on January 8, 1881, Governor Murray issued a certificate of election to Allen B. Campbell. Congress, however, refused to seat either Cannon or Campbell, and the seat remained vacant until 1882 when it was awarded to John T. Caine.⁴¹

Meanwhile, the court denied the Liberal Party's request for a writ of mandamus. The request for the writ of mandamus and the Campbell challenge to the election of George Q. Cannon, were events closely watched by members of the women's rights movement. These attempts to negate the right of Utah women to vote could have damaged the cause of women's rights throughout the nation. Responding to the obvious discouragement of the Utah women, Belva H. Lockwood, a national figure in the movement, wrote to Emmeline Wells saying, "Stand by your guns. Allow no encroachment upon your liberties. No mandamus here."⁴²

The challenges to Utah institutions continued unabated, including the right of Utah women to vote. Most of the old arguments were resurrected as solutions to the problem. The validity of the Organic Act of 1850 was challenged, and so was the right of the Utah Territorial Legislature to pass laws. The Mormon women, weary of the battle to

⁴¹ Whitney, III, 150-151.

⁴² Carter, "Woman Suffrage in the West," 287-288.

preserve their political rights, were forced to conclude that more serious challenges were yet to come, challenges which would go beyond the issues of women's rights and polygamy, challenges which would strike at the very heart of their existence as citizens with equal standing under the laws of the United States of America.

CHAPTER IV

The Disenfranchised, 1882-1890

Senator George F. Edmunds of Vermont, a reputed authority on the Constitution, announced in 1881, his belief that a bill could be written that would destroy polygamy and would also be clearly constitutional. He introduced such a bill in December of 1881 and it was immediately seen as less original than advertised and its constitutionality was neither clear nor certain.⁴²

The Edmunds Bill contained nine sections, many of which were taken from the Morrill Act of 1862 or borrowed from the previously defeated Christianity Bill. The Edmunds Bill intended to reduce the influence of the Mormon Church in Utah Territory by vesting all political power in a select body of non-Mormon federal appointees known as the "Utah Commission." It provided for heavy penalties to be imposed upon those who practiced polygamy and denied them the right to vote, to sit on juries, and to hold political office. All of these provisions were to be accomplished by declaring vacant all elective and appointive positions in the territorial government, thus allowing the President to fill these positions with men who would have the power to supervise the registration of voters, conduct elections, pass

⁴² Stout, History of Utah, I, 165.

upon the eligibility of voters, count votes, and issue certificates of election. These functions would be supervised by the Utah Commission with the assistance of the territorial courts and federal officials in Idaho and Arizona.⁴³

As the Senators debated the provisions of the Edmunds Bill in the early weeks of 1882, some were bothered by what they believed were unwise or illegal provisions of the bill. Edmunds justified the provisions of his bill by saying:

Here is a state of things that require legislative action of the sovereign authority to put the political power of that Territory into the hands of those who are obedient to the law, and not to the hierarchy and polygamists who are disobedient to it, we treat it as a reorganization of the Territorial Assembly. . . The object of the bill is to take the political power in the Territory out of the hands of those tyrants.⁴⁴

Senator Wilkinson Call of Florida challenged the methods prescribed by the bill for achieving its purpose, by saying:

It destroys one government and organizes another for the purpose of giving efficiency to provisions for punishing crime. It deliberately provides that a person charged with a crime shall not have an impartial trial. It imposes a religious test upon the jurors, which is a violation of the cardinal provisions of the Constitution.⁴⁵

Other Senators, such as John T. Morgan of Alabama and George F. Vest of Missouri, rose to object to the provisions

⁴³Arrington, Great Basin Kingdom, 358.

⁴⁴Edmunds, Senator George F., [Remarks], Congressional Record, Washington: Published by the U.S. Government Printing Office, February 16, 1882, XIII, 1213.

⁴⁵Call, Senator Wilkinson, [Remarks], Congressional Record, Washington: Published by the U.S. Government Printing Office, February 16, 1882, XIII, 1213-1214.

of the bill. Senator Morgan claimed that the bill violated the constitutional prohibitions of ex post facto laws, and Senator Vest said the Edmunds Bill contained all the elements of bills of attainder, which are also prohibited by the U.S. Constitution.

The Senate passed the measure anyway and sent it to the House where it was debated until March 14, 1882, and passed easily by a margin of 199 votes to 42 votes. The President signed the bill into law and it went into effect on March 22, 1882.⁴⁶

The reaction of the Mormon women to the Edmunds Act was strong and vigorous, for the Act struck directly at their political and domestic rights. They felt that they had carefully and successfully exercised their political rights so as to give credibility to themselves and the women's rights movement. They also continued to believe that the nature of one's marital arrangement is private and not a matter of public concern.

The Edmunds Act disenfranchized not only the Mormon women of Utah, but all women in the territory. Section 20 of the Edmunds Act reads:

It shall not be lawful for any female to vote in any election hereafter held in the territory of Utah for any purpose whatever, . . . and any act of the Legislative Assembly of the territory of Utah providing for or allowing the registration of voting females is hereby annulled.⁴⁷

⁴⁶ Stout, History of Utah, I, 172.

⁴⁷ "Edmunds Act 1882," U.S. Statutes at Large, Washington: Published by the U.S. Government Printing Office, 1882, XXII, 30.

Emmeline Wells castigated Congressman Cassady of Nevada for his support of the Edmunds Act and its provision to disenfranchise the women of Utah. She said:

Remember, Mr. Cassady, the Edmunds Bill disfranchised both men and women who had ever obeyed the ecclesiastical law, and after doing all that, one would think there would be a boundary to the extent of disfranchisement.⁴⁸

With the passage of the Edmunds Act, the reformers who had been involved in the anti-Mormon crusade, began campaigning for various kinds of programs to rehabilitate the believers in Mormonism. Mrs. Angie F. Newman of Nebraska, was one of the more popular crusaders seeking to bring about the rehabilitation of the Mormon women. While speaking in Cincinnati on the Mormon question, her remarks inspired the circulation of a petition calling for the rehabilitation and reform of Mormons. Ultimately, it was signed by more than two hundred thousand people, most of them women.

Mrs. Newman's speeches created such a "strong feeling of interest in behalf of the down-trodden, ignorant creatures," that the Woman's Home Missionary Society of the Methodist Episcopal Church raised a large sum of money for the establishment of an industrial home for the women of polygamy.⁴⁹

⁴⁸ "Disenfranchisement of Women," Woman's Exponent, Salt Lake City: Published by Emmeline B. Wells, Deseret News Press, December 1, 1883, XII, No. 13, 100.

⁴⁹ "Mrs. Angie F. Newman's Crusade Against The Mormons," Woman's Exponent, Salt Lake City: Published by Emmeline B. Wells, Deseret News Press, August 1, 1884, XIII, No. 15, 36.

Other reformers were not satisfied with the provisions of the Edmunds Act, and continued to stir public opinion, calling for more stringent measures. Kate Fields, a nationally known lecturer, toured many of the larger cities delivering her famous speech entitled, "The Mormon Monster." At one such engagement, she invited Mrs. B.A.M. Froiseth, a prominent Utah non-Mormon to address the Relief Corps of the Grand Army of the Republic. Mrs. Froiseth warned of the dangers of Mormonism and its effect on women, and then said:

. . . But mark you, . . . the spirit of prophecy is upon me this afternoon, . . . the day shall come when the shame and reproach shall be taken away and it shall be a glorious thing to be a woman in Utah. And why do you ask? Because I believe that it will be largely through the efforts of the women of America, spurred on and incited by the loyal women of Utah that the Country will be forced to deal with the Mormon Monster as it deserves, . . . The 40,000 members of the Relief Corp are pledged never to cease their efforts until the institution of polygamy is doomed and the cross is planted over its grave. . . ⁵⁰

On March 6, 1886, the Mormon women of Utah gathered at the Salt Lake Theater to discuss ways to combat the provisions of the Edmunds Act. They decided to draw up a memorial to the Congress and the President. In it they cited the unfair and unjust treatment they and their husbands suffered at the hand of the federal officials. They cited the practice of federal officials arresting any man who had only the slightest association with his plural wives; they protested the interrogation of children by federal deputies,

⁵⁰"Kate Fields On Mormonism," The Salt Lake City Daily Tribune, Salt Lake City: Published by the Tribune Publishing Co., Inc., February 17, 1885, XXVIII, No. 106, 4.

the forcible entry of homes, and the jailing of women for refusing to answer questions about their marital status.⁵¹

The Edmunds Act had been eminently successful in disrupting the Mormon way of life. Federal prosecutors sent many polygamists to prison, many others fled to Mexico or Europe. Nearly all Church leaders were in exile or hiding, regular Church services and functions were discontinued, and the Utah Commission was able to report by the latter part of 1886 that it had successfully excluded some 12,000 men and women in Utah Territory from registering and voting.⁵²

Still, the anti-Mormon crusaders and much of the American public remained unsatisfied with the Congressional solutions to the "Utah Question." The crusaders were rewarded in early 1887 with the passage of the Edmunds-Tucker Act. Its provisions are summarized in the following:

I. That the Corporation of the Church of Jesus Christ of Latter-day Saints, insofar as it had, or pretended to have, any legal existence, is dissolved. The United States Attorney General is directed to institute proceedings to accomplish the dissolution.

II. That the Attorney General institute proceedings to forfeit and escheat all property, both real and personal of the dissolved church corporation held in violation of the 1862 limitation of \$50,000. The property is to be disposed of by the Secretary of the Interior and the proceeds applied to the use and benefit of the district schools in Utah.

⁵¹"Letter To The Sisters At Home," Woman's Exponent, Salt Lake City: Published by Emmeline B. Wells, Deseret News Press, April 1, 1886, XIV, No. 21, 165.

⁵²Arrington, 358.

III. That the Perpetual Emigration Company be dissolved, its charter annulled, and its resources escheated and expended by the Secretary of the Interior for use of the district public schools of Utah. The Territorial Assembly is forbidden to approve the charter of any similar corporation designed to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

IV. That the court be empowered to compel the production of books, records, papers, and documents relating to properties held by the president of the church, as trustee-in-trust over its properties, in which, as trustee-in-trust, he holds interest.

V. That the Act also abolishes woman suffrage in Utah; disinherits children of plural marriage; prescribes a comprehensive test oath to eliminate polygamists from voting, holding office, and serving on juries; vests all judicial, law enforcement, and militia powers in the Utah Commission and other federal appointees; suspends the territorial school laws; and places the territorial schools under the control of the territorial supreme court and a court appointed commissioner. The Act requires all marriages to be certified by certificate in the probate courts, and the Act dissolves all existing election districts, and dissolves the Nauvoo Legion.⁵³

So sweeping were the powers granted in the Edmunds-Tucker Act, that the Mormons could find no effective means of resisting. They were disenfranchized as citizens of Utah Territory and as citizens of the United States of America. They had no vote, could not serve on juries, and were deprived of the right of a fair trial. Their marriages were rendered invalid and their children considered illegitimate. They could not hold public office, and they were dispossessed of their hard-won economic resources.

Under the Edmunds and Edmunds-Tucker Acts, the federal officers succeeded in winning 1004 convictions for unlawful

⁵³ Arrington, 361.

cohabitation and 18 convictions for polygamy. One man, Edward Dalton of Paragona, Utah, was shot and killed by Federal Marshall William Thompson while attempting to avoid arrest.

The preservation of political rights no longer seemed an important issue to the Mormons by 1890. The enforcement of the Edmunds-Tucker Act had reduced all possible questions and considerations to one: survival. It became clear to the leaders of the Mormon people that some major concessions were in order. The cost of resisting the federal government had been dangerously high.⁵³

⁵⁴Anderson, 321-323.

CHAPTER V

The Last Challenge

Wilford Woodruff, President of the Mormon Church, concluded in 1890 that the fight for plural marriage and the peculiar life style of Mormons in Utah was lost. Woodruff and the Mormon people began to address the questions of law and propriety which had cast them into conflict with the federal government and the nation at large. Woodruff announced on September 24, 1890, the issuance of a "Manifesto," declaring an end to the contracting of plural marriages between members of the Church. A portion of that "Manifesto" reads:

. . . Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the Church over which I preside, to have them do likewise. . . And now I publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land.⁵⁵

In October of this same year, members of the Church met in semi-annual conference in Salt Lake City, and in the general session, Lorenzo Snow, President of the Quorum

⁵⁵ "Official Declaration," The Doctrine And Covenants of The Church of Jesus Christ of Latter-day Saints, Published by The Church of Jesus Christ of Latter-day Saints, copyright by David O. McKay, 1962, 256-257.

of The Twelve Apostles, read the "Manifesto" to the membership and then made the following motion:

I move that, recognizing Wilford Woodruff as the President of the Church of Jesus Christ of Latter-day Saints, and the only man on the earth at the present time who holds the keys of the sealing ordinances, we consider him fully authorized by virtue of his position to issue the Manifesto which has been read in our hearing, and which is dated September 24, 1890, and that as Church in General Conference assembled, we accept his declaration concerning plural marriages as authoritative and binding.⁵⁶

The membership passed and solemnized the motion, thus taking the first step toward the normalization of relations between Utah, the Mormons, and the federal government. That same year the Church dissolved its political arm, the People's Party, and in 1893, the non-Mormon Liberal Party followed suit. The membership of the People's Party and the Liberal Party were instructed by their leaders to affiliate with one of the national party groups.

In 1893, President Benjamin Harrison issued a pardon for all polygamists who had not violated the law since 1890, and in 1894, President Cleveland issued a similar proclamation. One by one the major points of conflict were resolved in some degree, and the citizens of Utah once again began to think about the possibility of statehood. The overall effect of this accommodation was that Congress agreed to hold hearings on a statehood bill introduced by Congressman J.L. Rawlins in 1894. In July of that year President

⁵⁶Ibid.

Cleveland signed an Enabling Act for the proposed state of Utah.⁵⁷

Meanwhile, the Mormon women had been busily crusading for the return of their political rights. In 1889 they organized a Utah Chapter of the National Woman's Suffrage Association, and in 1891 they organized the Woman's Press Club with three well known suffragettes at its helm. Emmeline Wells served as president and Susan Young Gates and Lula Greene Richards as vice-presidents of the organization.

Mrs. Wells decided to affiliate with the Republican Party, not a popular choice with most Mormons who felt that the Republican members of Congress were largely responsible for the hardships that Mormons had suffered during the previous four decades in Utah. In a matter of months, Mrs. Wells became one of the most powerful figures in the entire territory. Susan Young Gates said:

If you would know what hard work, indomitable faith, and divine intelligence can do for a woman, just watch "Aunt Em" cross a thoroughfare and then see her emerge on the other side of the street to hold converse, perchance, with some busy politician, where in ten minutes you will hear the fate of the Republican Party, . . . cooked, carved, and served in a most delectable way. . . .⁵⁸

⁵⁷ Carter, "Woman Suffrage in the West," 303.

⁵⁸ Susan Young Gates, History of the Young Ladies Mutual Improvement Association of The Church of Jesus Christ of Latter-day Saints, from 1869 to June, 1910, Salt Lake City: Deseret News Press, 1911, 50-53.

The signing of the Enabling Act by President Cleveland provided for the calling of a constitutional convention in Utah Territory. Both the Democratic Party and the Republican Party in Utah met in their respective conventions and passed resolutions calling for various provisions to be included in the proposed constitution for the State of Utah. Each party called for an inclusion of a provision restoring political rights to the women of Utah.

An atmosphere of guarded enthusiasm prevailed as the delegates to the constitutional convention began their work on March 12, 1895. Many of the delegates had attended previous constitutional conventions for a proposed State of Utah and had seen their work fail to meet Congressional approval. Moreover, most of the delegates were Mormons who had felt the power of the federal government as exercised under the Edmunds and Edmunds-Tucker Acts. As a result, the provisions introduced and debated were those commonly found in the constitutions of other states, and they were designed to be inoffensive and fully acceptable to Congress. The delegates were taking no chances.

Fifteen days after the opening of the convention, the question of woman suffrage was introduced for discussion. It was expected that a suffrage provision would easily gain the approval of the delegates. John Q. Cannon, editor of The Deseret Weekly, expressed the feeling of most observers when he stated that:

. . . There is little prospect of extended debate in the Utah Constitutional Convention over an

equal suffrage clause in the state charter, since the people of the territory have had an experience of women exercising the right to vote, and both parties have made an unequivocal pledge to confer the franchise on the gentler sex. . . .⁵⁹

Emmeline Wells concurred with editor Cannon's assessment. No figure of local or national importance anticipated a battle over the suffrage clause although it emerged as the most controversial issue of the convention.

On March 27, 1895, the Committee on Elections and Suffrage reported out of committee in favor of Section I, Article IV, which stated that, ". . . both male and female citizens of the state shall enjoy equally all civil, political, and religious rights and privileges."⁶⁰

Immediately after the Committee report, Mr. Kiesel, representing the minority view, asked for time to read a minority report. Although this request was irregular and technically in violation of rule nineteen of the convention, the Chairman honored the request. The minority report warned against granting suffrage to women because they were "ruled by impulses and sympathies," and the report recommended that the suffrage provision be set aside until statehood was achieved.⁶¹

⁵⁹"The Colorado View," The Deseret Weekly, Salt Lake City: Published by The Church of Jesus Christ of Latter-day Saints, Deseret News Press, March 16, L, 395.

⁶⁰Official Report of the Proceedings and Debates of the Convention to adopt a Constitution for the State of Utah, Salt Lake City: Star Printing Company, 1898, II, 1858. (Hereafter cited as "Proceedings.")

⁶¹"Proceedings," I, 409.

Some objection to the suffrage clause had been expected. Had it not been for the powerful support given the minority report by Delegate B.H. Roberts from Davis County, the convention would have duly noted the minority report and then passed the suffrage clause. But Roberts was a noted orator, and a General Authority of the Mormon Church, and his opposition to equal suffrage came as a surprise.

In his speech to the convention, Roberts stated his belief that the suffrage provision would endanger Utah's bid for statehood, and that the men of Utah Territory would reject the constitution if the suffrage provision passed. Roberts also claimed that the delegates supporting equal suffrage were likely to vote for it only because of their party platforms and not because of genuine conviction. He then charged that the party resolutions favoring equal suffrage were being used as levers upon the conscience and reason of the delegates at the convention.⁶²

Roberts' argument was first challenged by Mr. Thurman of Utah County, a veteran of two previous statehood conventions. He accused Roberts of dealing in political expediencies, of having no regard for justice and right, and of betraying the party faithful by disregarding his party's platform which called for women suffrage. "Mr. Roberts is entitled to honors for oratory, but not for

⁶²"Proceedings," I, 427.

seeking to widen the circle of human liberty." Thurman concluded his remarks by saying:

. . . that inasmuch as women are property owners, they are vitally interested in political affairs, and should have the right to vote, which right follows the logic of the Founding Fathers, no taxation without representation.⁶³

Franklin S. Richards came next to the defense of the suffrage clause by reminding the delegates that Wyoming once faced a similar dilemma and that Wyoming Senator C.D. Clark, fearing that their bid for statehood might be endangered by a suffrage clause, asked his constituents if they would allow him to strike the provision if necessary. Their reply was emphatic: "We would rather remain a territory than relinquish that facet of political life enjoyed for twenty years as a territory."⁶⁴

Richards then reminded the convention that Utah had the female vote seventeen years without ill effect, and recommended that the convention stand fast for the suffrage provision. Then directing his remarks to B.H. Roberts and the authors of the minority report who had implied that women were unfit for suffrage by their very nature, Richards submitted the following in defense of women:

. . . she arrives at conclusions quicker than man,
 . . . her intuition is only the essence of reason,
 . . . and her nervous structure is better suited
 for receiving vibrations. By her intuition she
 is brought into a more intimate relation with the
 universal intelligence than her duller companion,

⁶³"Proceedings," I, 435-437.

⁶⁴"Proceedings," I, 440.

. . . she is in closer connection with the subliminal consciousness. . .⁶⁵

Then speaking in a philosophical vein, Richards said that so long as women have tacitly consented to be represented by the other sex, there has been an excuse for unequal representation:

Why should a nation fail, except that it falls into discord with itself; how could it do otherwise so long as only one class of its population embodies its sovereignty? . . . From the state of nature man progresses and gradually comes under the control of higher spiritual affection and intelligence of mind. This is the process and tendency of progress, thus man progresses from that muscular primitive who lies in wait to stun a woman, carry her off, and rule her life, to an enlightened feeling of equality.⁶⁶

And finally, in justification of women's rights, Richards said: "Government is simply national housekeeping and we all know women have particular gifts for house-keeping."⁶⁷

The third and last of the lead proponents of the suffrage clause was Orson F. Whitney, scholar, author, and orator. He began by paying his respects to the oratorical talent of B.H. Roberts and confessed to have attempted some comparisons between Roberts and other courageous figures in history, such as Horatius at the Roman Bridge, or Leonidas and the Spartans at Thermopylae defending against the Persians. But Whitney said these comparisons

⁶⁵"Proceedings," I, 443.

⁶⁶"Proceedings," I, 447-449.

⁶⁷Ibid.

failed because Horatius and Leonidas were fighting for freedom, but B.H. Roberts was not. Whitney then compared Roberts to a bull who stood on the railroad track facing an oncoming train. His owner, seeing the bull and perceiving the outcome, cried: "I admire your courage, but damn your judgment." Whitney denied any intentional implication that Roberts was a dumb animal, and then said that he "did once hear of an animal who did speak, the property of one Balaam, it spoke by inspiration from on high, so I cannot compare it to the gentleman from Davis County."⁶⁸

The balance of Whitney's attack consisted of accusing Roberts of high-mindedness and of giving the general impression that supporters of the suffrage clause had motives less lofty than his. Whitney admitted that the heroes of righteousness are occasionally found among the minority, but claimed that the majority are often correct in their consensus. "Take Lincoln and the North, or Michael and two-thirds the hosts of heaven, they bear out the fact that truth is often manifest in the will of the majority."⁶⁹

Whitney closed his argument by reminding Roberts that as a General Authority of the Mormon Church, Roberts should know that Mormonism views women as free agents, and that Roberts' own discourses supported that view.⁷⁰

⁶⁸"Proceedings," I, 505-507

⁶⁹Ibid.

⁷⁰"Proceedings," I, 508-510.

Other arguments give an idea of the diversity of thought among the delegates of the convention. Mr. Kiesel, minority leader of the Committee on Elections and Suffrage, opposed the provision because of the dominant influence of the Mormon Church in Utah. He claimed that "out of the discord of churches lies the safety of the state," and that because of the strength of the Mormon Church in Utah he considered woman suffrage "out of place and unsafe."⁷¹

Mr. Robinson supported the provision because of the many European immigrants coming into the country whom he thought harbored anarchist tendencies; therefore he believed that a "doubling of the staple vote will enable us to peacefully control these foreign elements."⁷²

Roberts' argument sustained continuous rebuttal for three days, during which time his constituents requested that he either follow their wishes as expressed in the party platform or resign. On the fourth day of discussion, Roberts made a special request for time to address the convention. Many believed he was going to resign and that he wished for time to make a statement of resignation. Roberts did nothing to correct that impression until he had the floor; then he announced that he had no intention of resigning but planned to make a last defense of his original statement.

⁷¹Ibid.

⁷²"Proceedings," I, 455.

Roberts defended his position at length, but his defense rested upon two main premises: first, that because of Utah's past experience with women's suffrage, Utah voters would reject the constitution; and second, that the suffrage provision might provoke Congress into needless debate and thus delay the granting of statehood to Utah. He concluded his statement by saying that "woman's place is in the home, and that to grant her the elective franchise and the chance to hold elective office, would upset the natural order of society."⁷³

Four years later, the editor of The Young Women's Journal, Susan Young Gates, asked Roberts what his personal attitude was toward the political status of women. Realizing that this question referred to his remarks in the Constitutional Convention of 1895, Roberts replied that his view had generally been misrepresented as one of contempt. He said his actual position was that, "man's life and woman's life were so different that to refuse women the elective franchise would secure the domestic tranquility of the home and would do no substantial harm to woman." He said further that a woman's influence would be lessened by being directed into an unwomanly environment, and that he wanted to see "preserved without spot or blemish, or

⁷³"Proceedings," I, 517-520.

prospect of diminution, that noblest and best office of man, . . . The Protector of Woman."⁷⁴

Despite Roberts' arguments and his position in the Mormon Church, the suffrage provision passed easily. Roberts' contention that the voters of Utah would reject the constitution proved to be false, and his argument that the suffrage provision would cause unnecessary debate and delay also proved untrue. With only minor changes, Congress and the President found the constitution acceptable and Utah became the forty-fifth state on January 4, 1896, and the fourth state to grant women the political franchise.

The following month, at the twenty-eighth annual convention of the National Woman Suffrage Association, one of the speakers called attention to the fact that the Utah women had had the franchise restored to them by the male delegates of the Utah Constitutional Convention:

You will notice that the seats of the delegation from Utah are marked by a large United States flag bearing three stars, a big one and two smaller ones. The big star is for Wyoming, because she stood alone for a quarter of a century as the only state where women voted. Colorado comes next because she is the first state where a majority of men ever voted to grant women equal rights. Then comes Utah, because the men of Utah in convention assembled, in spite of the bad example of Congress which took the right away from the women of Utah for ten years, . . . the men of Utah, having seen the good effects of woman suffrage for years before that,

⁷⁴B.H. Roberts, "The Political Status of Women in Utah," The Young Women's Journal, Salt Lake City: Published by the Young Women's Mutual Improvement Association, 1899, X, 104.

voted by an overwhelming majority to leave out that little word "male" from their suffrage clause.⁷⁵

Although the historical accuracy of this statement is in doubt, the accuracy of the sentiment expressed is unmistakable. Women's rights advocates the nation over, gathered in convention, were pleased once again to address the ladies from Utah as the "voting women of Utah."

For the Mormon women of Utah, restoration of their political rights was indeed worthy of celebration, but it was also anticlimactic, for they had considered the political franchise a natural and legal right for more than forty years.

⁷⁵"The Washington Convention," Woman's Exponent, Salt Lake City: Published by Emmeline B. Wells, Deseret News Press, February 1, 1896, XXIV, No. 17, 109.

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